



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,322	10/07/2003	Takahiro Kurosawa	1232-4407US1	1803

27123 7590 05/22/2007
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

05/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/679,322

Applicant(s)

KUROSAWA ET AL.

Examiner

John M. Villecco

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 12-34 and 41-46 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/995,394.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/7/03, 11/25/03, 12/21/05, 4/18/06.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group III (claims 35-40) in the reply filed on April 20, 2007 is acknowledged. The traversal is on the ground(s) that "(1) all pending claims are properly presented in the same application; (2) undue diverse searching should not be required; (3) all claims should be examined together". This is not found persuasive because the applicant has not provided significant arguments to rebut the examiners restriction. More specifically, grounds (1) and (3), as listed above, seem to be general statements by the applicant that the claims should be examined and do not seem to set forth arguments in support of the applicant's assertion that the restriction is not proper. As for reason (2), since the examiner has pointed out the different classes/subclasses for each of the different groups, the examiner has satisfied the burden of proving a diverse search would be required to search all of the groups.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 12-34 and 41-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 20, 2007.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 35-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellenby et al. (U.S. Patent No. 6,037,936).**

6. Regarding *claim 35*, Ellenby discloses an image processing apparatus for presenting information on images captured by an image capturing device. More specifically, Ellenby discloses an image processor (computer, 414) which inherently includes a reception means for receiving a video image obtained by the image sensing means (camera, 413). Ellenby discloses that the image captured by the image sensing means (camera, 413) is combined with computer generated image information, based on inputs of the position and attitude sensing means (416 and 417), to form a composite information for display on the display (410). The fields are interpreted by the examiner to be the additional image, as claimed. See Figure 4. Although specific structural details are not discussed in Ellenby, one of ordinary skill in the art would recognize that the computer memory (418) generates the images to be combined and displayed. Furthermore, Ellenby (U.S. Pat. No. 5,815,411), which is incorporated by reference, discloses a CPU (24) which controls the operation of the camera and acts as the processor for combining additional images with the captured images in accordance with the attitude and position. Finally,

Art Unit: 2622

Ellenby (U.S. Pat. No. 6,037,936) discloses the use of subfields for obtaining additional data on the image. See column 15, lines 25-67 and column 25, lines 40-67. These subfields are interpreted to be link images. Additionally, Ellenby discloses that the subfields can be dynamic subfields. This means that they can be interactive with a broadcasting system of a remote location. See column 25, lines 40-67. This broadcasting system is interpreted to be the “another network terminal”.

7. As for **claim 36**, Ellenby discloses the use of position and attitude sensing means (416 and 417). These devices determine the direction that the user is looking and provides the user with information corresponding to the view. This is interpreted as being an image sensing angle. See Figures 8, 9, and 42-47, and column 15, lines 20-67 and column 24, line 45 to column 25, line 14.

8. With regard to **claim 37**, U.S. Patent No. 5,815,411 to Ellenby (hereinafter referred to as the ‘411 patent), which is incorporated by reference into U.S. Patent No. 6,037,936, states that the camera includes a zoom lens (18). Additionally, Ellenby discloses in column 13, lines 57-65 that the magnification is a factor in determining what data to recall from memory. Therefore, the zoom ratio is used in generating the additional image.

9. Regarding **claim 38**, Ellenby discloses that the additional image is an annotation on each object in the video image. See Figures 4 and 5.

10. **Claim 39** is considered a method claim corresponding to the apparatus claim of claim 35. Please see the discussion of claim 35 on the preceding pages.

11. **Claim 40** is considered a computer-readable control program corresponding to claim 35. Please see the discussion of claim 35 on the preceding pages. Additionally, the ‘411 patent

Art Unit: 2622


discloses the use of a CPU (24) that inherently controls the operation of the computer (12).

Furthermore, it is inherent that CPU's have storage mediums (usually RAM's and ROM's) for storing control programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John M. Villecco
May 4, 2007